

IN THE DRAWINGS:

FIG. 3A has been corrected as shown in the Replacement Drawing Sheet and as shown in red in the Annotated Sheet Showing Changes in the attached Appendix.

FIG. 3B has been corrected as shown in the Replacement Drawing Sheet and as shown in red in the Annotated Sheet Showing Changes in the attached Appendix.

FIG. 6 has been corrected as shown in the Replacement Drawing Sheet and as shown in red in the Annotated Sheet Showing Changes in the attached Appendix.

REMARKS

This Amendment is submitted in response to the Office Action dated June 22, 2005. In the Office Action, the Patent Office objected to the drawings under 37 CFR §1.83(a) and to Claim 6 under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Additionally, the Patent Office rejected Claims 1-3, 7, 9, 10, 14 and 18 under 35 U.S.C. §102(b) as being anticipated by *Miller* (U.S. Patent No. 1,780,269); Claims 8, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Miller*; Claims 4, 11 and 19 under 35 U.S.C. §103(a) as being unpatentable over *Miller* in view of *Marovich* (U.S. Patent No. 4,068,421); Claims 5 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Miller* in view of Japanese Patent No. 2002-146913 to *Kawarazaki*; and Claims 15, 16 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Miller* in view of *Lynch* (U.S. Patent No. 3,670,466).

By the present Amendment, Applicant amended Claims 1, 10, 12 and 18 and cancelled Claim 6. Applicant asserts that the amendments to the claims and the remarks that follow overcome the objections and rejections made by the Patent Office and place the application in condition for allowance. Notice to that effect is requested.

In the Office Action, the Patent Office objected to the drawings as failing to show every feature of the invention specified in the claims. Namely, the Patent Office asserts that Fig. 6 shows an element labeled "46" which should be labeled "4b". In response to the objection, Applicant amended Fig. 6 by labeling the element "4b". Further, the Patent Office asserts that Fig. 3A and Fig. 3B fail to show the slots on the roof panels extending parallel to the body as illustrated in Fig. 5. Accordingly, Applicant amended Fig. 3A and Fig. 3B to show the slots illustrated by Fig. 5. The slots on the roof panels extending parallel to the body as illustrated by Fig. 5 are disclosed in the specification as filed. Specifically, page 9, lines 19 and 20 state: "Slots 38 may be provided within the section 34 and/or the section 36." Applicant submits that the amendments to Fig. 3A, Fig. 3B and Fig. 6 overcome the objections by the Patent Office. Notice to that effect is requested.

Still further, the Patent Office asserts that the drawings do not show the features of Claims 5, 6, 12 and 17. With respect to Claims 5 and 17, the Patent Office alleges a brace attached to one of the plurality of walls and to one of the plurality of roof panels has not been illustrated. Contrary to the assertions of the Patent Office, a brace 72 is illustrated in

Figure 1. Therefore, the objection to Claims 5 and 17 is improper. Notice to that effect is requested.

With respect to Claim 6, the Patent Office asserts that Claim 6 has not been illustrated in the drawings. In addition, the Patent Office rejected Claim 6 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In response, Applicant cancelled Claim 6.

With respect to Claim 12, the Patent Office asserts a slot formed within the section of one of the plurality of wall panels has not been illustrated in the drawings. In response, Applicant amended Claim 12 to require "a hole formed within the section of the one of the plurality of wall panels" which is illustrated in Fig. 2A and Fig. 2B. Accordingly, Applicant asserts that the drawings show every feature of the invention defined in Claims 5, 12 and 17. Therefore, the objection to the drawings should be withdrawn. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 1-3, 7, 9, 10, 14 and 18 under 35 U.S.C. §102(b) as being anticipated by *Miller*. With respect to independent Claim 1, the Patent Office alleges that:

"*Miller* discloses a building comprising a plurality of walls (1, Figure 1) defining a room having an interior wherein each of the plurality

of walls has a body defined by a length and a width wherein the length is defined between a first end and a second end and the width is defined between a third end and a fourth end wherein a section of each of the plurality of walls at the first end, the second end, the third end, and the fourth end extends a first distance (section 4, Figure 3) into the interior of the room and further extends a second distance (section 3, Figure 3) parallel to the body of each of the plurality of walls".

With respect to independent Claim 10, the Patent Office alleges that:

"Miller discloses a building system comprising a plurality of wall panels (1, Figure 1) defining a room wherein each of the plurality of wall panels is defined by a body having a length defined between a first end and a second end and further wherein a section is integrally formed with each of the plurality of wall panels at the first end and extends a first distance (4, Figure 3) perpendicular to the body of each of the plurality of wall panels and further extends a second distance (3, Figure 3) toward the second end of each of the plurality of wall panels".

With respect to independent Claim 18, the Patent Office alleges that:

"Miller discloses a method for assembling a building, the method comprising the steps of providing a plurality of walls (1, Figure 1) defining a room having an interior wherein each of the walls has a perimeter defining a plane between four edges wherein a first portion (4, Figure 3) of each of the plurality of walls at each of the four edges extends into the interior of the room and abuts a second portion of each of the plurality of walls which extends parallel to the plane of each of the plurality of walls (Figure 2)".

Independent Claim 1, as amended, requires that the section of the first end further extends a second distance parallel to the length of each of the plurality of walls. Further, Claim 1, as amended, requires the body of each of the plurality of roof panels is formed by a single layer. Still further, Claim 1, as amended, requires that the single layer of the body of each of the plurality of roof panels separates the interior of the room from an exterior of the room.

Independent Claim 10, as amended, requires that the section of the first end further extends to a second distance toward the second end of each of the plurality of walls wherein the section extends into the interior of the room. Further, Claim 10, as amended, requires that the section extends perpendicular with respect to the body of the roof panel and within the interior of the room to the first distance. Still further, Claim 10 requires that the section further extends the second distance within the interior of the room and in a direction of the second end of the roof panel.

Independent Claim 18, as amended, requires a second portion to extend from the first portion of each of the plurality of walls wherein the second portion extends into the interior of the room. Further, Claim 18, as amended, requires the first section

of the roof panel to extend into the interior of the room in a direction of the second end.

Contrary to the assertions of the Patent Office, *Miller* discloses that Fig. 3 is a roof panel and Fig. 1 is a wall panel. See column 2, lines 70-77. Accordingly, *Miller* merely teaches that the ends of the roof panels are exterior to the room. Specifically, with respect to the wall panel, *Miller* merely discloses "an upwardly extending peripheral flange 7 which fits within the flange 4 of the plate 3 and the flange 7 terminates in a return bent portion 8 which engages over the flange 4." In addition, *Miller* merely discloses the "flanges 4, 7 and 8 are apertured to receive the bolts 9". The ends of the roof units extend beyond the interior of the room, as illustrated at 3 in Fig. 3. The ends are bent "downwardly at 13 and thence outwardly at 14 to provide a return bent flange engaging over the end of the plate 3."

Further, nowhere does *Miller* disclose that the section of the first end further extends a second distance parallel to the length of each of the plurality of walls, as required by independent Claim 1, as amended. *Miller* merely discloses a flange perpendicular to the body of the wall at 7 in Fig. 2 and bending outwardly with respect to the body of the wall.

Still further, nowhere does *Miller* disclose the body of each of the plurality of roof panels is formed by a single layer, as required by independent Claim 1, as amended. Moreover, nowhere does *Miller* disclose that the single layer of the body of each of the plurality of roof panels separate the interior of the room from an exterior of the room. The roof panels of *Miller* disclose layers consisting of "an inner plate 3", an "outer plate 6" and "insulating material 5". The outer plate 6 separates the exterior of the oven from the insulating material which is separated from the interior of the room by the inner plate 3. Therefore, the rejection of Claim 1, as amended, under 35 U.S.C. §102(b) has been overcome. Notice to that effect is requested.

With respect to Claim 10, nowhere does *Miller* disclose that the section of the first end further extends to a second distance toward the second end of each of the plurality of walls wherein the section extends into the interior of the room, as required by independent Claim 10, as amended. *Miller* merely discloses a flange 4 extending outward with respect to the interior of an oven, as illustrated in Fig. 3. *Miller* merely discloses a flange 4 terminating in a return bent portion 8 extending away from the second end, as illustrated in Fig. 4.

Further, nowhere does *Miller* disclose that the section extends perpendicular with respect to the body of the roof panel and within the interior of the room to the first distance, as required by independent Claim 10, as amended. Still further, nowhere does *Miller* disclose that the section further extends the second distance within the interior of the room and in a direction of the second end of the roof panel. Fig. 3 of *Miller* merely discloses a roof panel with a flange extending into the exterior of the room. Therefore, the rejection of Claim 10, as amended, under 35 U.S.C. §102(b) has been overcome. Notice to that effect is requested.

With respect to Claim 18, nowhere does *Miller* disclose that a second portion extends from the first portion of each of the plurality of walls wherein the second portion extends into the interior of the room, as required by independent Claim 18, as amended. *Miller* merely discloses that the second portion of the flange 7 extends into the asbestos gasket 17.

Further, nowhere does *Miller* disclose that the first section of the roof panel extends into the interior of the room in a direction of the second end. Fig. 3 of *Miller* merely discloses a roof panel with a flange extending into the exterior of the room. Therefore, the rejection of Claim 18, as amended, under

35 U.S.C. §102(b) has been overcome. Notice to that effect is requested.

Under 35 U.S.C. §102, anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d. 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the references are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

In view of the foregoing, since *Miller* fails to disclose each and every element of amended independent Claims 1, 10 and 18, the rejection of Claims 1-3, 7, 9, 10, 14 and 18 under 35 U.S.C. §102(b) has been overcome and should be withdrawn. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 8, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Miller*. As set forth by the foregoing remarks with respect to the rejection of Claims 8, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Miller*, Applicant respectfully submits that the rejection has been overcome by the amendments to Claims 1 and 10 and for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While *Miller* states that the flanges of the wall and roof panels are "apertured to receive bolts 9" (page 1, lines 53-54), *Miller* does not specify that the apertures are slots. However, slotted apertures are very well known in the building arts. One of ordinary skill in the art would know the benefits of using slotted apertures in place of round apertures in that slotted apertures permit slight variance in aligning apertures of adjacent members and thereby facilitate assembly. Therefore, one of ordinary skill in the art at the time the invention was made would be motivated to use slotted apertures to facilitate assembly and disassembly of *Miller's* building, which is intended to be "set up and taken down" (page 1, lines 19-21).

However, Claim 8 requires a slot formed within the section of the first end of one of the plurality of roof panels that extends into the interior of the room. *Miller* fails to teach or suggest that the section of the first end further extends a second distance parallel to the length of each of the plurality of walls, as required by independent Claim 1 from which Claim 8 depends. Further, *Miller* fails to teach or suggest that the body of each of the plurality of roof panels is formed by a single layer, as required by independent Claim 1 from which Claim 8 depends. Still further, *Miller* fails to teach or suggest that the single layer of the body of each of the plurality of roof panels separate the interior of the room from an exterior of the room, as required by independent Claim 1 from

which Claim 8 depends. Accordingly, the rejection of Claim 8 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Claim 12 requires a hole formed within the section of the one of the plurality of wall panels. Claim 13 requires a slot formed within the section of the roof panel. *Miller* fails to teach or suggest that the section of the first end further extends to a second distance toward the second end of each of the plurality of walls wherein the section extends into the interior of the room, as required by independent Claim 10 from which Claims 12 and 13 depend. Further, *Miller* fails to teach or suggest that the section extends perpendicular with respect to the body of the roof panel and within the interior of the room to the first distance, as required by independent Claim 10 from which Claims 12 and 13 depend. Still further, *Miller* fails to teach or suggest that the section further extends the second distance within the interior of the room and in a direction of the second end of the roof panel, as required by independent Claim 10 from which Claims 12 and 13 depend.

Still further, in the Office Action, the Patent Office rejected Claims 4, 11 and 19 under 35 U.S.C. §103(a) as being unpatentable over *Miller* as applied to Claims 1 and 10 and

further in view of *Marovich*. This rejection is traversed for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While *Miller* does not disclose a post to support the roof panels, *Marovich* teaches a central pole (22) attached to the roof panel to stiffen the structure (column 4, lines 26-27). In view of *Marovich*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to support the roof panel at the center of the building to improve the structural integrity of the building, as the center of the roof is the weakest point of the roof.

However, Claim 4 requires a post attached to one of the plurality of roof panels. On the contrary, *Marovich* fails to teach or to suggest the elements of the present invention which are not taught by *Miller*, taken singly or in combination, as required by amended independent Claim 1 from which Claim 4 depends. Accordingly, the rejection of Claim 4 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Further, Claim 11 requires a post attached to the roof panel. Contrary to the assertions of the Patent Office, *Marovich* fails to teach or to suggest the elements of the present invention which are not taught by *Miller*, taken singly or in combination, as required by amended independent Claim 10 from which Claim 11 depends. Accordingly, the rejection of Claim 11 under 35 U.S.C.

§103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, Claim 19 requires attaching a post to the roof panel. On the contrary, *Marovich* fails to teach or to suggest the elements of the present invention which are not taught by *Miller*, taken singly or in combination, as required by amended independent Claim 18 from which Claim 19 depends. Accordingly, the rejection of Claim 19 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

In addition, in the Office Action, the Patent Office rejected Claims 5 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Miller* as applied to Claims 1 and 10 and further in view of *Kawarazaki*. This rejection is traversed for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While *Miller* does not disclose a brace attached to one of the plurality of wall panels and the roof panel, braces are well known in the building art for increasing stiffness and strength of a structure. *Kawarazaki* discloses removable braces (30) between wall and ceiling panels to firmly support a ceiling panel during construction of the building. In view of *Kawarazaki*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use braces in *Miller's* building, between the walls and the roof panels for added structural support while the structure is assembled.

However, Claim 5 requires a brace attached to one of the plurality of walls and one of the plurality of roof panels. On the contrary, *Kawarazaki* fails to teach or to suggest the elements of the present invention which are not taught by *Miller*, taken singly or in combination, as required by amended independent Claim 1 from which Claim 5 depends. Accordingly, the rejection of Claim 5 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Further, Claim 17 a brace attached to one of the plurality of wall panels and the roof panel. Contrary to the assertions of the Patent Office, *Kawarazaki* fails to teach or to suggest the elements of the present invention which are not taught by *Miller*, taken singly or in combination, as required by amended independent Claim 10 from which Claim 17 depends. Accordingly, the rejection of Claim 17 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Furthermore, in the Office Action, the Patent Office rejected Claims 15, 16 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Miller* as applied to Claims 10 and 18 and

further in view of *Lynch*. This rejection is traversed for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While *Miller* discloses a door (18, Figure 1), *Miller* does not disclose a door with a handle or a hinge attached to one of the plurality of wall panels. However, a handle and hinge are attached to a door and adjacent supporting wall is well known in the art. *Lynch* teaches a prefabricated building comprising a door with a handle (H, Figure 4) attached to the door and panel, and a hinge (column 4, line 1) attached to the wall panel. In view of *Lynch*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to put a door with handle and hinge on *Miller's* door to facilitate access to the inside of the building.

However, Claim 15 requires a handle attached to one of the plurality of wall panels. Claim 16 requires a hinge attached to one of the plurality of wall panels. On the contrary, *Lynch* fails to teach or to suggest the elements of the present invention which are not taught by *Miller*, taken singly or in combination, as required by amended independent Claim 10 from which Claims 15 and 16 depend. Accordingly, the rejection of Claims 15 and 16 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Claim 20 requires attaching a hinge to one of the plurality of wall panels. Contrary to the assertions of the Patent Office, *Lynch* fails to teach or to suggest the elements of the present

invention which are not taught by *Miller*, taken singly or in combination, as required by amended independent Claim 18 from which Claim 20 depends. Accordingly, the rejection of Claim 20 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-5, 7 and 8 depend from Claim 1; Claims 11-17 depend from Claim 10; and Claims 19 and 20 depend from Claim 18. These claims are further believed allowable over the references of record, taken singly or in combination, for the same reasons set forth with respect to their parent claims since each sets forth additional novel features and steps of Applicant's shanty and system and method for assembling the same, respectively.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the

application to issue.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian M. Mattson", written over a horizontal line.

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CERTIFICATE OF MAILING

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on September 21, 2005.

A handwritten signature in black ink, appearing to read "Brian M. Mattson", written over a horizontal line.

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